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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/737,316	12/16/2003	Raymond R. Hornback JR.	IBM-007	5949
51835 7590 11/25/2009 IBM LOTUS & RATIONAL SW c/o GUERIN & RODRIGUEZ 5 MOUNT ROYAL AVENUE MOUNT ROYAL OFFICE PARK MARLBOROUGH, MA 01752				
EXAMINER				
LIU, LIN				
ART UNIT		PAPER NUMBER		
2445				
MAIL DATE		DELIVERY MODE		
11/25/2009		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/737,316

**Applicant(s)**

HORNBACK ET AL.

**Examiner**

LIN LIU

**Art Unit**

2445

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 16 July 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-9 and 15-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9 and 15-17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-8508)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### DETAILED ACTION

1. This office action is responsive to communications filed on 07/16/2009

Claims 1-9 and 15-17 are pending and have been examined.

#### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35

U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-5, 9 and 15-16 are rejected under 35 U.S.C. 102(e) as being

anticipated by **Chang et al. (Patent no.: US 6,556,724 B1)**.

With respect to **claim 1**, Chang teaches a method for configuring and dynamically adapting an application sharing system comprising a plurality of computers in communication over a network, one of the computers having a plurality of system components and sharing an application with at least one other computer over the network, one of the system components adapted to provide feedback to the shared application, the method comprising:

determining a preference for the shared application (Chang: fig. 4 & 5, col. 9, lines 45-50, noted that the participating clients calculate the necessary transform data for the shared image);

monitoring by the one of the computers a feedback generated by the one of the system components, said feedback indicating the performance of the component relative to the determined preference (Chang: fig. 5, col. 9, lines 50-60, noted that the image server 220 transmits the requested transform data at the designated coefficient coordinates to the participating client); and

configuring the one of the system components in response to the determined preference and the monitored feedback, said configuring comprising adjusting an algorithm used to implement the system component, **the configuring of the system component causing an adjustment in the performance of the shared application (Chang: fig. 8, col. 11, lines 20-38, noted that the host computer receives the resolution at which each participating client will render images for the collaboration session and determines the highest resolution for the clients).**

With respect to **claim 2**, Chang teaches the method of claim 1 wherein the system component comprises one of a compression algorithm, a change detection algorithm, a screen capture device and a data transport type (Chang: col. 9, lines 45-61, note the image resolution compression).

With respect to **claim 3**, Chang teaches the method of claim 1 wherein the preference is a user preference (Chang: col. 9, lines 45-61).

With respect to **claim 4**, Chang teaches the method of claim 3 wherein the user preference defines at least one of an image quality and a latency (Chang: col. 9, lines 45-61, note the image resolution compression).

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With respect to **claim 5**, Chang teaches the method of claim 3 wherein the user preference defines at least one of a CPU usage and a fidelity (Chang: col. 9, lines 45-61).

With respect to **claim 9**, Chang teaches the method of claim 1 further comprising selecting the preference for the shared application (Chang: col. 13, lines 10-20).

With respect to **claims 15-16** the limitations of these claims are substantially the same as those in claims 1-2. Therefore the same rationale for rejecting claims 1-2 is used to reject claims 15-16. By this rationale **claims 15-16** are rejected.

4. Claims 6-8 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Chang et al. (Patent no.: US 6,556,724 B1)** in view of **Boston et al. (Publication no.: US 2004/0101272 A1)**.

With respect to **claim 6**, Chang teaches all of the claimed limitations, except that he does not explicitly teach a method of allowing an administrator to set the administrator preference.

In the same field of endeavor, Boston teaches a method of allowing an administrator to set the administrator preference (Boston page 4, paragraph 36, noted the administrative user can edit the privilege levels and profiles of other users.).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention to incorporate the method of allowing an

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administrator to set the administrative preference as taught by Boston in the Chang's invention with motivation being that it provides administrator the privilege in editing the profiles of other users (Boston page 4, paragraphs 36 and 38).

With respect to **claim 7**, Chang teaches all of the claimed limitations, except that he does not explicitly teach a maximum data rate.

In the same field of endeavor, Boston teaches a data rate that each channel can support (Boston, page 9, paragraph 0079).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention to incorporate the use of the data rate transmission as taught by Boston in Chang's invention as the condition in limiting the selection of the user's preference in selecting the images. The motivation to combine this feature is to prevent the over use of bandwidth by all the users simultaneously.

With respect to **claim 8**, Chang teaches a method of limiting the selection of a user preference according to an image compression type (Chang: Col. 9, lines 45-61). However, they do not explicitly teach a method of allowing an administrator to set the administrative preference in limiting the selection.

In the same field of endeavor, Boston teaches a method of allowing an administrator to set the administrator preference (Boston page 4, paragraph 36, noted the administrative user can edit the privilege levels and profiles of other users.).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention to incorporate the method of allowing an administrator to set the administrative preference as taught by Boston to limit the selection of user preference in the Chang's invention with motivation being that it provides administrator the privilege in editing the profiles of other users (Boston page 4, paragraphs 36 and 38).

With respect to **claim 17** the limitations of this claim are substantially the same as those in claim 6. Therefore the same rationale for rejecting claim 6 is used to reject claim 17. By this rationale **claim 17** is rejected.

#### ***Response to Arguments***

5. Applicant's arguments filed on 07/16/2009 have been fully considered but they are not persuasive.
6. On page 6 of Applicant's remark, Applicant argues that "Note that the shared application itself, the source resolution independent image broadcasting application, has not been modified or adjusted in any way. Thus, Chang fails to teach or suggest the Applicants' claimed method for configuring and dynamically adapting an application sharing system, including the step of "configuring the one of the system components in response to the determined preference and the monitored feedback, said configuring comprising adjusting an algorithm used to implement the system component, the configuring of the system component causing an adjustment in the performance of the shared application"."

In response to Applicant's argument, the examiner respectfully disagrees. Chang in figure 8, and col. 11, lines 20-38, specifically discloses that the host computer receives the resolution at which each participating client will render images for the collaboration session and determines the highest resolution for the clients. The adjustment for the resolution of the image that is rendered to the participating clients is made at the Host server.

### ***Conclusion***

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to LIN LIU whose telephone number is (571)270-1447. The examiner can normally be reached on Monday - Friday, 7:30am - 5:00pm, EST.



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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Srivastava Vivek can be reached on (571) 272-7304. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Lin Liu/  
Examiner, Art Unit 2445

/VIVEK SRIVASTAVA/  
Supervisory Patent Examiner, Art Unit 2445